THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 14598 of 2006

Dated: 18.07.2006

Between:

Votokuri Yadagiri, S/o Khasaiah, Contract Labour, R/o H.No.6-2-1333/1, Netaji Colony, Hyderabad Road, Nalgonda and others.

.... PETITIONERS

AND

The A.P. Transco, rep. by its Chairman and Managing Director, Vidyuth Soudha, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 14598 of 2006

Order:

The petitioners claim to be working as Contract Labours with the respondents-AP TRANSCO. The petitioners' state that they have put in more than ten years of service and when the respondents have not considered their cases for absorption, they filed W.P. Nos. 14365 and 14893 of 2005, and pursuant to the directions of this Court, the respondents considered their cases for absorption and issued proceedings dated 18.02.2006 stating that there are no vacancies. The grievance of the petitioners is that the respondents, having rejected their claim for absorption on the ground that there are no vacancies available at present, issued notification calling for applications for the posts of Junior Linemen on contract basis, which is illegal and arbitrary. Hence, they filed the present writ petition seeking to direct the respondents to absorb them in the posts of Junior Linemen.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents-AP TRANSCO.

Learned Standing Counsel for the respondents-AP TRANSCO, on instructions submits that all the 50% vacancies earmarked in the category of Junior Linemen/Wiremen in terms of B.P. Ms. No. 36, dated 18.05.1997 were already filled up by eligible candidates and there are no further vacancies available in the cadre of Junior Linemen/Wiremen to consider the cases of the petitioners.

Inasmuch as disputed questions of fact are involved in the writ petition, namely whether still vacancies existing under the 50% quota earmarked for contract labours, and whether the petitioners are entitled to be appointed in terms of BP Ms. No. 36, dated 18.05.1999, it is not

proper for this Court to direct the respondents to appoint the petitioners. The remedy of the petitioners, if any, is to approach the Labour Court and raise an industrial dispute and establish their case for appointment as Junior Linemen in terms of BP Ms. No. 36, dated 18.05.1999.

With the above observation, the writ petition is dismissed. No costs.

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N.V. RAMANA, J.

Date: 18.07.2006
Nsr/Ksr